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In re Sandra L. Wood
Application No.: 10/643,305
Filed: August 20, 2003
Patent No.: 6,923,775
Issued: August 2, 2005

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: **DECISION** OFFICE OF PETITIONS
: **DISMISSING**
: **PETITION**
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This is a decision on the September 6, 2005 petition titled "Petition For A Question Not Specifically Provided For Under 37 C.F.R. § 1.182," which requests republication of U.S. Patent No. 6,923,775 ("the '775 patent") with corrected drawings ("the September 6, 2005 petition").

A petition fee under 37 CFR 1.17(f) of \$400 was charged to patent owner's credit card on September 8, 2005, pursuant to the authorization for same in the enclosure accompanying the September 6, 2005 petition.

The September 6, 2005 petition is before the Office of Patent Legal Administration (OPLA) for consideration.

The September 6, 2005 petition is **dismissed**.

At page 1 of the September 6, 2005 petition, patent owner states that the '775 patent "was issued with informal hand-drawn figures as the formal drawings." At page 2 of the September 6, 2005 petition, patent owner explains that "Applicant has always intended for the originally filed submitted drawings to be informal so as to be amendable for changes requested by the Examiner during examination." Patent owner further explains at page 2 that "Applicant did not intend for the informal hand-drawing to be used as the final formal drawings for publication as the Official Letters Patent."

MPEP 608.02(b)(I) provides, in pertinent part:

The Office no longer considers drawings as formal or informal. Drawings are either acceptable or not acceptable. Drawings will be accepted by the Office of Patent Application Processing (OPAP) if the drawings are readable and reproducible for publication purposes. See MPEP § 507.

MPEP 507 provides, in pertinent part:

The standard of review employed by OIPE¹ is such that most drawings, including those that have been indicated by applicant to be informal drawings, will be accepted.


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... in most situations, patent application publications and patents will reflect the quality of the drawings that are included with a patent application on filing unless applicant voluntarily submits better quality drawings as set forth in MPEP § 1121.

In the present instance, the '775 patent was issued with the only drawings of record at the time of issuance, i.e., the drawings included with the patent application on the filing date of August 20, 2003. OPAP did not object to the August 20, 2003 drawings and require corrected drawings. Further, the March 8, 2005 Notice of Allowability states that "[t]he drawings filed on 20 August 2003 are accepted by the Examiner." Therefore, the issuance of the '775 patent with the August 20, 2003 drawings was in accordance with proper Office procedure.

For the foregoing reasons, the September 6, 2005 petition requesting republication of the '775 patent with corrected drawings is **dismissed**.

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.



Robert A. Clarke
Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The Office of Initial Patent Examination (OIPE) has been changed to the Office of Patent Application Processing (OPAP); MPEP 507 has not yet been updated to reflect the change.